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|---|-------------|----------------------|---------------------------|------------------|
| 10/800,331  | 03/12/2004  | Andrew M. Murphy     | MSI-1843US                | 1674             |
| 22801   | 7590        | 02/05/2008           |                           |                  |
| LEE & HAYES PLLC<br>421 W RIVERSIDE AVENUE SUITE 500<br>SPOKANE, WA 99201 |             |                      | EXAMINER<br>YOO, JASSON H |                  |
|   |             |                      | ART UNIT                  | PAPER NUMBER     |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/800,331

Applicant(s)

MURPHY ET AL.

Examiner

Jasson H. Yoo

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 and 20-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-19 and 32-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/28/05, 3/12/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of claims 9-19 and 32-40 in the reply filed on 11/1/07 is acknowledged.

### ***Claim Objections***

Claims 18, 19 and 40 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Dependent claims 18 and 40 require the limitation of, "sign in the specific user account onto the online service instead of the most recently signed in user account". However, Independent claims 9 and 32 require the limitation of, "signing in a most recently signed in user account onto an online service." A proper dependent claim includes every limitation of the claim on which it depends on.

Claim 19 is directed an apparatus of one or more computer-readable media. However independent claim 9 is directed towards a method.

Claim 19 is objected to because of the following informalities: It appears that claim 19 is identical to claim 32. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-10, 15-19, 32-33, 37-40 rejected under 35 U.S.C. 102(b) as being anticipated by AOL Instant Messenger (cited from <http://www.aol.com.au/site/website/aolproducts/aim/help.php> March 11, 2001 version), (hereinafter "Aim'3/11/01").

Claims 9, 19, 32. Aim'3/11/01 discloses a messaging program named AOL Instant Messenger for a computer that allows a user to send messages instantly to another user. Since a computer is capable of playing games, the computer is considered to be a gaming device. Before a user sends messages, the user must login to his/her account by entering the user's ID (screen name) and password (see page 2 of Aim'3/11/01). A "Save Password" is available as an option to save time from entering a password each time the user logs in (see page 2 of Aim'3/11/01). If a user selects the "Save Password" option, an "Auto-login" option is available to automatically sign in a user when the program is launched by the computer (see page 2 of Aim'3/11/01). If a most recently signed in user selects the "auto-login" feature, then the program will sign in the most recently signed in user account.

Claims 10 and 33. Aim'3/11/01 discloses determining whether the sign in was successful; and if the signing in was successful, registering an online presences of the signed in user. Aim discloses that the user will automatically be signed on to AOL Instant Messenger (page 2 of Aim'3/11/01). If the user is signed on to AOL Instant Messenger, it is implied that it was determined that the signing in was successful.

Claims 15, 37. Aim'3/11/01 discloses the method as discussed above, further comprising returning a status message selected from a group comprising no user Account present, automatic sign-in disabled, signing in, not signed in, and signed in (The "Auto-login" box is a message that indicates whether automatic sign-in is disabled. It is noted that the claim does not specify when the returning status message occurs. Thus the "Auto-login" message is returned when the program is loaded.).

Claims 16, 38. Aim'3/11/01 discloses after the signing in, the user has access to one or more items selected from a group comprising a friends list (contact list or buddy list , see page 2 of Aim'3/11/01) and a notification (received instant message, see pages 1-3 of Aim'3/11/01).

Claims 17, 39. Aim'3/11/01 discloses an auto login for an instant messenger program as discussed above. Aim'3/11/01 discloses that after a user has successfully logged, the program is used to send notifications and receive notifications to another user. However, Aim'3/11/01 fails to specifically teach the notification is selected from a

group comprising a friend request and a cross-title game invitation. Nevertheless, a notification comprising a friend request and a cross-title game invitation is simply the context of the message. Such limitations is intended use of the invention and dos not give patentable weight to the invention. For example, the limitation of: *receiving a notification of, "Do you want to come to my birthday party?...=)... my place tomorrow at 5pm" from a friend, wherein the friend is a user listed under the user's buddy list*, is a notification comprising a friend request and a party invitation. An example how the claim limitation can be met is if the user receives at text message from a friend messaging, "Let's play star-craft". Since Aim'3/11/01 discloses notifications can be sent to and received from people on the user's buddy list, Aim'3/11/01 discloses the claimed limitation.

Claims 18, 40. Aim'3/11/01 discloses an auto login for an instant messenger program as discussed above. If a first user selects the auto-login feature, and a second user who happens to be the most recently signed in user account does not select the auto-login feature, the program automatically logsins the first user.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-14 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aim'3/11/01 as applied to claims 9 and 32 above, and further in view of AOL Instant Messenger (cited from [http://www.aim.com/help\\_faq/linux/latest\\_linux.adp](http://www.aim.com/help_faq/linux/latest_linux.adp) Feb 02, 2002 version), (hereinafter "Aim'2/2/02").

Claims 11-14 and 34-36. Aim'3/11/01 discloses the claimed invention of automatically signing in a user account onto an online service as discussed above. However Aim'3/11/01 fails to specifically disclose if the signing in was unsuccessful, reporting an error; wherein the error is selected from a group comprising pass code required and sign-in failed; wherein the error is displayed in a user interface; and initiating an interactive sign in. Nevertheless, providing an error message on a displayed user interface after an unsuccessful attempt of signing into an online service, or allowing the user to reenter a pass code after an unsuccessful attempt of signing into an online service is well known in the art. Aim'2/2/02 discloses this common feature of providing an error message. Aim'2/2/02 also discloses a messaging program named AOL Instant Messenger. When an invalid password is used to sign on, Aim displays an error message, stating that the password entered is invalid (see page 3 of Aim'2/2/02). After the error message is displayed, an interactive sign-in is available for the user to enter the correct password (see page 3 Aim'2/2/02). Displaying an error message to the user provides an indication to the user that sign-in was unsuccessful. The interactive

sign-in allows the user to re-attempt the sign-in process using the correct pass code. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Aim'3/11/01 auto sign-in feature and incorporate Aim'2/2/02 displayed error message in order to provide an indication that the auto sign-in was unsuccessful and allow the user to re-attempt the sign-in process using the correct pass code.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following disclose receiving and submitting a game invitation:

[http://www.aol.com.au/site/website/aolproducts/aim/new\\_features.php](http://www.aol.com.au/site/website/aolproducts/aim/new_features.php) Aug. 18,

2001 version;

Kirmse et al. US 2002/0086732;

Easley et al. US 2002/0142842.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY



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